

City of Houston, Texas, Ordinance No. 2008-822

AN ORDINANCE AUTHORIZING THE MAYOR OF HOUSTON TO EXTEND OR CONTINUE A PROCLAMATION OF A LOCAL STATE OF DISASTER FOR THE CITY OF HOUSTON BEYOND THE SEVEN DAY PERIOD AFTER THE PROCLAMATION WAS ISSUED, MAKING CERTAIN FINDINGS RELATED THERETO, AND DECLARING AN EMERGENCY.

Whereas, on September 11, 2008, the Mayor, pursuant to the Texas Disaster Act of 1975, amended as Chapter 418 of the Texas Government Code (the "Texas Disaster Act"), issued a proclamation declaring a local state of disaster for the City of Houston resulting from Hurricane Ike;

Whereas, the conditions necessitating the proclamation of a local state of disaster are ongoing and continue to exist; and

Whereas, the Texas Disaster Act provides that a local state of disaster may not be continued for a period of in excess of seven days without the consent of the governing body of the political subdivision, **NOW THEREFORE**,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HOUSTON, TEXAS:

Section 1. Extension of Local State of Disaster. The City Council, as the governing body of the City of Houston, hereby authorizes the Mayor of Houston to extend or continue a proclamation of a local state of disaster beyond the seven day period following the issuance of the proclamation.

Section 2. Executive Orders. All executive orders, proclamations or regulations issued by the mayor after the proclamation declaring a local state of disaster will continue to have the force and effect of law until rescinded by the mayor or until the local state of disaster is terminated pursuant to Section 3 of this ordinance.

Section 3. Termination of Local State of Disaster. The local state of disaster issued by the Mayor for the City of Houston shall continue until terminated by order of the City Council of the City of Houston or upon executive order by the Mayor when such threat or danger which initiated the proclamation has passed or has been dealt with in such a manner that it no longer exists.

Section 4. Administration. The Mayor, as Emergency Management Director for the City of Houston shall retain all the powers given to him by the Texas Disaster Act, Executive Order RP32, and the City of Houston Emergency Management Plan necessary to deal with the presence or imminent occurrence of a disaster as it is defined in the Texas Disaster Act.

Section 5. Applicability. If any provision, section, subsection, sentence, clause, or phrase of this ordinance, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this ordinance or their application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council in adopting this ordinance that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality, voidness or invalidity of any other portion hereof, and all provisions of this ordinance are declared to be severable for that purpose.

Section 6. Notice of Meeting. The City Council officially finds, determines, recites and declares that a sufficient written notice of the date, hour, place, and subject of this meeting of the City Council was posted at a place convenient to the public at the City Hall of the City for the time required by law preceding this meeting, as required by the Open Meetings Law, chapter 551 of the Texas Government Code; and that this meeting was open to the public as required by law at all times during which this ordinance and the subject matter thereof was discussed, considered, and formally acted upon. The City Council further ratifies, approves, and confirms such written notice and the contents and posting thereof.

Section 7. Effective Date. A public emergency exists requiring that this ordinance be passed finally on the date of its introduction as requested in writing by the Mayor; therefore, this ordinance shall take effect immediately upon its passage and approval by the Mayor; provided, however, that if the Mayor fails to sign this ordinance within five days after its passage and adoption, it shall take effect in accordance with HOUSTON, TEX., CITY CHARTER, art. VI, §6.

PASSED AND ADOPTED this 17th day of September, 2008.

APPROVED this 17th day of September, 2008.



Mayor of the City of Houston, Texas

(Prepared by Legal Dep't _____
AC 09/08/08 Senior Assistant City Attorney
Requested by Director of Administration & Regulatory Affairs
L.D. File No. _____.)

CAPTION PUBLISHED IN DAILY COURT
REVIEW
DATE: SEP 23 2008

AYE	NO	
✓		MAYOR WHITE
••••	••••	COUNCIL MEMBERS
✓		LAWRENCE
✓		JOHNSON
✓		CLUTTERBUCK
✓		ADAMS
✓		SULLIVAN
✓		KHAN
✓		HOLM
✓		GARCIA
✓		RODRIGUEZ
✓		BROWN
✓		LOVELL
✓		NORIEGA
✓		GREEN
✓		JONES
CAPTION	ADOPTED	

MAYOR'S REQUEST FOR EMERGENCY PASSAGE

To the Honorable City Council of the City of Houston:

In accordance with the provisions of Article VII, Section 7 of the Charter of the City of Houston, I submit and introduce to you the ordinances set out in the attached agenda for the meeting of the City Council of the City of Houston on the 17th day of SEPTEMBER, 2008, with the request that all such ordinances, except those making a grant of any franchise or special privilege, be passed finally on the date of their introduction. There exists a public emergency requiring such action and I accordingly request that you pass the same if they meet with your approval.

DATE: SEPTEMBER 17, 2008

A handwritten signature in black ink, appearing to read "Bill White". The signature is fluid and cursive, with the first name "Bill" and last name "White" clearly distinguishable.

Mayor of the City of Houston